

SN. 09/886,145

ATTORNEY DOCKET NO. MITS:029

REMARKS

Claims 1, 3-23, and 25-27 remain pending in this application for which applicants seek reconsideration.

Amendment

Claim 1 has been amended to obviate the § 112, 2nd ¶, rejection, although applicants traverse this rejection. The examiner is of the opinion that broadly reciting a claim feature, and then narrowly reciting the same feature is somehow indefinite, relying on *Ex parte Wu*. *Ex parte Wu* relates to a situation where a claim recites a feature both positively and as an exemplary feature (using "such as"). This case is inapplicable here since claim 1 does not recite an exemplary feature, but rather explicitly recites a feature catered in an alternative ("one of"). If the examiner's standard were followed, then all dependent claims that further define an element broadly construed in the independent claim becomes indefinite. For example, if claim 1 recites an element A comprised of one of A1 and A2, and claim 2 recites that element A is composed of A1, then according to the examiner's standard, claim 2 would be indefinite. Applicants take an Official Notice that the present § 112 rejection is improper.

Nonetheless, to streamline claim 1 and improve its readability, it has been condensed without changing its scope. The § 112 rejection has been rendered moot. No new matter has been introduced.

Allowed & Allowable Claims

Claims 15-23 and 25-27 were allowed. Claims 1 and 3-14 are also in condition for allowance at least to the extent that independent claim 1 incorporates allowable claim 2 (see the Final rejection dated April 8, 2003).

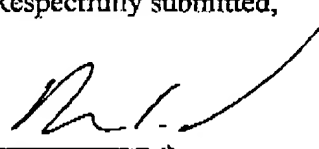
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Conclusion

Applicants submit that claims 1, 3-23, and 25-27 are in condition for allowance for which applicants urge the examiner to issue an early Notice of Allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

Date: 02/18/04

Marc A. Rossi
Registration No. 31,923

ROSSI & ASSOCIATES
P.O. Box 826
Ashburn, VA 20146-0826
Phone: 703-726-6020